

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

NO. 1:12-cv-245

KATE BRAVERMAN,

Plaintiff,

vs.

ALAN H. GOLDSTEIN,

Defendant,

**MOTION FOR SANCTIONS
PURSUANT TO RULE 11 AND 28 USC §1927**

COMES NOW Alan Goldstein who moves for an award of attorney's fees and costs as sanctions against the Plaintiff and her attorney, Gary Boyle, pursuant to Fed. R. Civ. P. 11(b) and 28 USC §1927. In support of this motion, Defendant states:

1. This lawsuit was filed for an improper purpose. It is the latest salvo of an ongoing campaign by the Plaintiff to harass and punish Defendant, Plaintiff's former spouse.

2. Plaintiff's claims are not warranted under existing law because the issue of the enforceability of the Postnuptial

Agreement between the parties has already been fully litigated by the parties in the matter of Kate Braverman, Petitioner, vs. Alan Goldstein, Respondent, vs. LPL Financial, Intervenor, cause number D-101-DM-2009-01009 in the First Judicial District Court, County of Santa Fe, State of New Mexico ("the Divorce Matter").

3. Sanctions should be awarded against the Plaintiff and her attorney, Gary Boyle. This suit is the third suit in which counsel, representing the Plaintiff, has sought to nullify the Postnuptial Agreement.

4. Objectively, counsel should know that the claim is pursued by Plaintiff for an improper purpose and/or that the claims are barred and therefore not warranted by existing law or a nonfrivolous argument for expanding existing law.

5. Counsel has participated in filing multiple proceedings against Plaintiff unreasonably and vexatiously.

6. Undersigned counsel served Plaintiff's attorney with a copy of this motion more than 21 days preceding the filing of the motion with a demand that the Complaint be dismissed. Counsel's and Plaintiff's failure to dismiss the Complaint can be fairly interpreted as their opposition to this motion.

7. Defendant incorporates into this motion the facts and authorities set forth in Defendant's Brief In Support Of Rule 11 and 28 USC §1927 Sanctions, filed simultaneously with this motion.

WHEREFORE Defendant prays that Plaintiff and her attorney be subject to sanctions under Rule 11 and 28 USC §1927, including the payment of all of Defendant's attorney's fees, court costs and expenses incurred in this matter.

Respectfully submitted,

RICHARD S. LEES, P.A.
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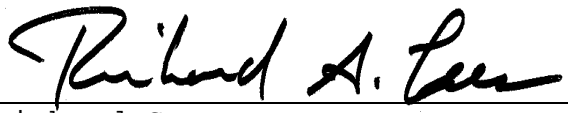

Richard S. Lees

CERTIFICATE OF SERVICE

I CERTIFY that on May 22, 2012 I filed the foregoing electronically through the CM/ECF system, which caused the following counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Gary Boyle, attorney for Plaintiff

I also caused a copy of the foregoing pleading to be served upon Gary Boyle by email to gary.boyle.boylelawoffice@gmail.com.


Richard S. Lees